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Docket 6033-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Barbara Paldus et al

U.S. Serial No: 10/086,283

Group Art Unit: 2828

Filed: February 28, 2002

Examiner: Tuan N. Nguyen

Title: "LASER TUNING BY SPECTRALLY
DEPENDENT SPATIAL FILTERING"

Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Petition To Withdraw Holding Of Abandonment

(37 C.F.R. 1.181)

The Examiner has issued a Notice Of Abandonment for the patent application identified above, indicating that the submission of an Issue Fee Transmittal and payment for the Issue Fee was incomplete. The Examiner indicates that corrected drawings should have been timely filed with the Issue Fee Transmittal and Issue Fee payment.

The Applicants petition and request that the Examiner and Drawing Examiner withdraw the holding of abandonment, accept the drawings and pass the patent application to issue, under 37 C.F.R. 1.181. Based upon the Applicants' understanding of the Drawing Examiner's brief Notice Of Draftspersons Patent Drawing Review, the Applicants believe the formal drawings submitted earlier should be acceptable for publication.

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The Notice Of Draftsperson's Patent Drawing Review, prepared April 27, 2004, indicates only that "some lines are jagged and broken" but does not indicate which Figures are referred to among the formal drawings, other than use of the word "All" in the Notice. The Applicants have re-examined the drawings and have identified two drawings, Figures 5 and 6, that the Drawing Examiner may refer to in the Notice.

The curve in Figure 5 does manifest jagged and broken lines, but these lines (part of a response curve) are accurate and are required as part of the invention. As indicated in the inset in Figure 5 and at page 16, lines 4-7, in the specification, the output laser frequency in the invention will execute a staircase rise in value ("discrete steps"), having a horizontal or "flat" region (constant frequency for a small region of AOTF frequency) that is contiguous on each side to a transition region that is substantially vertical, where the laser frequency increases very rapidly for a very small increase in AOTF frequency. The staircase curve shown in Figure 5 is properly jagged, indicating that the output laser frequency (ordinate in Figure 5) increases in a staircase response and does not increase continuously or smoothly for an increase (no matter how small) of the AOTF frequency. For this reason, the Applicants believe that Figure 5 should be acceptable as is: redrawing Figure 5 as a smooth, linear curve would be misleading and inaccurate for the invention disclosed and claimed in the patent application. Figure 7 is consistent with the discrete steps in Figure 5.

Figure 6, graphically represents laser output inaccuracy (expressed in units of GHz) versus channel number and is discussed on page 1, lines 1-14, of the specification. A sequence of parallel, vertical, dotted lines, one for channel number from 1 to 100, is included in Figure 6 to help the reader identify the inaccuracy associated with each channel number. Dotted lines are used here, because use of a thin solid vertical line for each of the 100 channel numbers

would likely create visual confusion and would be counterproductive. Figure 6 has been reprocessed to show more explicitly the dotted line associated with each channel number.

The Applicants herewith resubmit photocopies of another set of the formal drawings (Figures 1-7) submitted earlier and request that the Drawing Examiner review these Figures for acceptability.

The Applicants request that the Drawing Examiner and the Examiner accept Figures 5 and 6 and the remaining Figures 1-4 and 7 as correct, withdraw the Determination of Abandonment, and pass the application to publication as a U.S. patent.

If one or more additional Figures requires correction, the Applicants request that the Drawing Examiner indicate more explicitly which Figur(s) is referred to and what changes are required so that the Applicants can make the proper changes for re-submission.

Date: November 10, 2004

Respectfully Submitted,



Herbert Burkard

Patent representative for Applicants



Form PTO-948 (Rev. 06/03)

Application No. 286,283U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) file 1 (insert date) 2-28-02 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. **DRAWING STYLE.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).
 Color drawings are not acceptable until petition is granted. Fig(s) _____
 Pencil and non black ink not permitted. Fig(s) _____
2. **PHOTOGRAPHS.** 37 CFR 1.84(b)
 One (1) full-tone set is required. Fig(s) _____
 Photographs may not be mounted. 37 CFR 1.84(c)
 Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
 Poor quality (half-tone). Fig(s) _____
3. **TYPE OF PAPER.** 37 CFR 1.84(c)
 Paper not lexible, strong, white, and durable. Fig(s) _____
 Erasures, iterations, overwritings, interlineations, folds, cop machine marks not accepted. Fig(s) _____
4. **SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:
 21.0 cm by 29.7 cm (DIN size A4) or
 21.6 cm by 27.9 cm (8 1/2 x 11 inches)
 All drawings: sheets not the same size. Sheet(s) _____
 Drawings sheets not an acceptable size. Fig(s) _____
5. **MARGINS.** 37 CFR 1.84(g): Acceptable margins:
 Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
 Margins not acceptable. Fig(s) _____
 Top (T) _____ Left (L) _____
 Right (R) _____ Bottom (B) _____
6. **VIEWS.** 37 CFR 1.84(h)
 REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, and the Brief Description of the Drawings, must likewise be changed.
 Views not labeled separately or properly. Fig(s) _____
7. **SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)
 Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

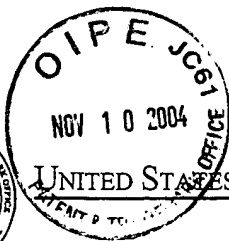
8. **ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)
 Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____
9. **SCALE.** 37 CFR 1.84(k)
 Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____
10. **CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)
 Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) A11
11. **SHADING.** 37 CFR 1.84(m)
 Solid black areas pale. Fig(s) _____
 Solid black shading not permitted. Fig(s) _____
12. **NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)
 Numbers and reference characters not plain and legible. Fig(s) A11
 Figure legends are poor. Fig(s) A11
 Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____
 English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____
 Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____
13. **LEAD LINES.** 37 CFR 1.84(q)
 Lead lines missing. Fig(s) _____
14. **NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(t)
 Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____
15. **NUMBERING OF VIEWS.** 37 CFR 1.84(u)
 Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____
16. **DESIGN DRAWINGS.** 37 CFR 1.152
 Surface shading shown not appropriate. Fig(s) _____
 Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

some lines are JAGGED AND
BROKEN

Reviewer B. Corey
 If you have question, call (703) 305-8404.

Date 4/27/04
 Attachment to Paper No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,283	02/28/2002	Barbara Paldus	6033-012	2048

7590 09/24/2004

Herbert Burkard
480 Oakmead Parkway
Sunnyvale, CA 94085-4708

EXAMINER

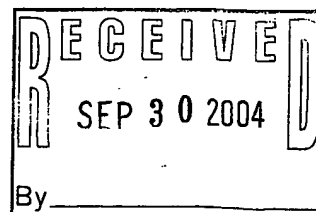
NGUYEN, TUAN N

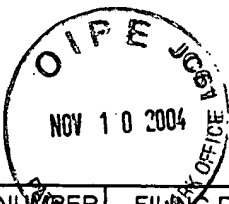
ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/086,283

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☒ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

CAD

Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

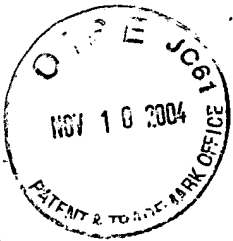
3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment



Attorney Docket No. 6033-012
Client Ref.: BLN-0100

EXPRESS MAIL CERTIFICATE

Express Mail" mailing number: ED 201139545 US

Date of Deposit: November 10, 2004

I hereby certify that these papers are being deposited with the United States Postal Service Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to Mail Stop: Issue Fee, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Herbert Burkard

Name

Signature

November 10, 2004

Date

1. Postcard for Return Receipt
2. Express Mail Certificate (1 p)
3. Petition For Withdrawal Of Holding Of Abandonment (3 pp)
4. Duplicate of Figures 1-7
5. Notice Of Draftsperson's Patent Drawing Review (1 p)
6. Notice Of Abandonment (3 pp)

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